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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DOAN, PHUOC HUU

ART UNIT PAPER NUMBER

2687

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,764

Applicant(s)

TURCANU, CALIN

Examiner

PHUOC H. DOAN

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/22/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by **Pimentel (US Pub No: 2003/0214970)**.

As to claim 1, Pimentel discloses a method of transmitting a messaging service message from a sender in a first system having a first structure for messages to a receiver of a second system **“multiple integrated networks, page 3, par. [0029]”** having a second structure for the messages (page 2, par. [0014-0018]), the comprising utilizing a bearer **independent protocol “means for choosing a protocol using a characteristic of the mobile terminated message...”** in the transmission of the message (page 2, par. [0017-0019], page 3, par. [0033]).

As to claim 2, Pimentel further discloses a method according to claim 1, further comprising: supporting the bearer independent protocol in a receiver's equipment; receiving the message having the first structure in a server comprising an

application according to the bearer independent protocol (page 3, par. [0031-0033]); converting the message to have a structure of the bearer independent protocol (page 3, par. [0033]), and transmitting the converted message from the server to the receiver's equipment using the bearer independent protocol (page 4, par. [0036]).

As to claim 3, Pimentel further discloses a method according to claim 1, further comprising: supporting the bearer independent protocol in a sender's equipment (page 3, par. [0033]); and transmitting the message from the sender's equipment to the receiver's equipment using the bearer independent protocol (page 3, par. [0034-0035]).

As to claim 4, Pimentel further discloses all the limitations of claim in page 3, par. [0033-0035].

As to claim 5, Pimentel further discloses a method according to claim 1, further comprising: supporting the bearer independent protocol in the sender's equipment (page 3, par. [0029]); sending the message from the sender's equipment according to the bearer independent protocol (page 3, par. [0034]); receiving the message in a server comprising an application according to the bearer independent protocol (page 4, par. [0037-0039]); converting the received message from the bearer independent protocol structure to the second structure (page 3, par. [0032-0033]);

and transmitting the converted message from the server to the receiver's equipment (page 3, par. 0034-0035], page 4, par. [0036]).

As to claim 6, Pimentel further discloses a method according to claim 1 further comprising: receiving the message having the bearer independent protocol structure in a server comprising an application according to the bearer independent protocol (page 3, par. [0030], [0034]); converting the message to have the second structure (page 3, par. [0031-0033]); and transmitting the converted message from the server to the receiver's equipment (page 3, par. 0034-0035], page 4, par. [0036]).

As to claim 7, Pimentel further discloses all the limitations of claim in page 3, par. 0034], page 4, par. [0036].

As to claim 8, Pimentel further discloses all the limitations of claim in page 4, par. [0041] **“employ an IP interface to provision for UDP/IP services”**.

As to claim 9, 13, Pimentel discloses a telecommunication system comprising at least a first system having a first structure for messaging service messages (page 1, par. [0003-0010]); a second system having a second structure for the messages (page 1, par. [0010], page 2, par. [0014-0018]); and a server via which a message is transmitted from the first system to the second system **“multiple integrated networks, page 3, par. [0029]”** (page 3, par. [0030-0034]); the server being

configured to utilize a bearer independent protocol for transmitting the message (page 3 through page 4, par. [0034-0039]).

As to claim 10, Pimentel further discloses a telecommunication system according to claim 9, wherein the first system comprises a network node having functionality related to messaging services within the first system (page 3, par. [0030]), the network node being configured to recognise the message sent to the second system and forward the message to the server (page 3, par. [0031-0035]).

As to claim 11, Pimentel further discloses all the limitation of claim in page 4, par. [0036-0039].

As to claim 12, Pimentel further discloses a telecommunication system according to claim 9 wherein the system comprises another server configured to utilize a bearer independent protocol for transmitting the message (page 3, par. [0033]), one of the servers being a first server (via which the message is transmitted from a sender in the first system to the second system and the other one being a second server via which the message is transmitted from the first system towards a receiver in the second system (“SMS-C1, SMS-C2, SMS-CN; and

APPLICATION1, APPLICATION2 of BACKEND SYSTEM 84”, Fig. 5), the first server is configured, in response to receiving the message having the first structure, to convert the message to have a structure according to the bearer

independent protocol, and send the converted message to the second server, and the second server is configured, in response to receiving the message having a structure according to the bearer independent protocol, to convert the message to have the second structure before forwarding the message to the receiver (See the process of steps the short messages “SM” page 3, par. [0029-0035], page 4, par. [0036-0040]).

As to claim 14, Pimentel further discloses a server according to claim 13, wherein the server is configured (page 4, par. [0039]), in response to receiving the message having the first structure (page 3, par. [0035]), to convert the message to have a structure according to the bearer independent protocol before forwarding the message (page 4, par. [0036]).

As to claim 15, Pimentel further discloses a server according to claim 14, wherein the server is configured (page 3, par. [0030-0033]), in response to receiving a message having a structure according to the bearer independent protocol (page 3, par. [0034]), to convert the message to have the second structure before forwarding the message (page 4, par. [0036]).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alvarez (US Pub No: 2004/0110493) discloses the specifically in SMSC through a transaction Server which comprises of converting SMS messages into a format established with the remote Server, and with means of converting the format in accordance with the established communication protocol to SMS.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER G. KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuoc Doan
11/21/05


ELISEO RAMOS-FELICIANO
PATENT EXAMINER